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Name: Jae Wan Hwang

By: Jae Wan Hwang

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Inventors: Jin JEN, et al.

Serial No.: 09/646,478

Filing Date: September 15, 2000

For: METHODS FOR THE DIAGNOSIS
AND TREATMENT OF LUNG CANCER

Commissioner for Patents
Washington, DC 20231
Box PCT
Attention: PCT Legal Office

Sir:

**RENEWED REQUEST UNDER 37 C.F.R. § 1.497(d)
AND PETITION FOR SUSPENSION OF THE RULES UNDER 37 C.F.R. § 1.183**

This Renewed Request is filed in response to the Decision dated June 19, 2002, a copy of which is enclosed. A period of two months to file a Renewed Request was granted, i.e., by August 19, 2002. Accordingly, this Renewed Request is timely filed.

The June 19, 2002 Decision noted that the Renewed Request filed May 14, 2002, was incomplete in that Applicants have not established that the assignees have ownership of the subject application so that they may provide consent to the change of inventorship.

The Office noted that with respect to Genzyme Corporation, the consent of assignee is unacceptable because the signatory has not set forth that he is authorized to act on behalf of the assignee nor that his position within Genzyme Corp. provides him with apparent authority. In response, Applicants enclose herewith a copy of the Certificate Under 37 C.F.R. § 3.73(b) filed January 11, 2001. Also enclosed is a copy of the postcard receipt issued by the U.S. Patent and Trademark Office indicating receipt of the enclosed copy. The Certificate identifies Mr. DeRosier as a Senior Vice President which is one considered to be an individual with apparent authority as set forth in MPEP § 324.

The consent of Johns Hopkins was rejected for the same reason. Enclosed herewith is a substitute Certificate Under 37 C.F.R. § 3.73(b) setting forth that the individual who executed the consent of assignee on behalf of Johns Hopkins has authority to act on its behalf.

The Office further noted that the assignment signed by inventors Gary Beaudry, Stephen Madden and Arthur Bertlesen is improper because at least one of the assignments only contains a signature page. The Office requested Applicants to file 1) a single complete assignment document or 2) multiple complete assignment documents.

Applicants' attorney cannot comply with either option. Option 1) is unavailable because the assignees are not at the same location. Option 2 is unavailable because the Office has in its possession and has recorded the assignment documents with the multiple copies of the signature page.

Attached are copies of the multiple assignments with at least one inventor's signature appearing on each copy of the assignment. The previously filed and now recorded assignment is in substance identical to the multiple copies enclosed herewith.

For these reasons, Applicants' undersigned attorney respectfully Petitions the Office Under 37 C.F.R. § 1.183 for acknowledgement and acceptance of the recorded assignment.

Applicants also respectfully request a filing date be accorded to the subject application. Applicants' attorney further Petitions for any and all relief required to perfect the filing of the subject application before the U.S. Patent and Trademark Office. All fees which may be due in connection with the granting of this relief may be charged to Deposit Account No. 50-1189 (Billing Ref.: 19442-7030).

If a telephone interview would advance processing and examination of the subject application, the Office is invited to contact the undersigned at 650-849-4950.

Respectfully submitted,

Dated: Aug. 8, 2002

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